

SEP 22 2011

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOEL F. CARTER, III,
Petitioner,

v.

DIRECTOR, VDOC,
Respondent.

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Civil Action No. 7:11-cv-00401

FINAL ORDER

By: Michael F. Urbanski
United States District Judge

In accordance with the memorandum opinion entered this day, it is hereby

ORDERED and ADJUDGED

that Carter's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** and this case shall be **STRICKEN** from the active docket of the court.

Further, finding that Carter has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

Carter is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 30 days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk of the Court is directed to send a copy of this Order and accompanying Memorandum Opinion to the petitioner.

ENTER: This 22nd day of September, 2011.

/s/ Michael F. Urbanski

United States District Judge